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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA  
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7 GIOVANNI KURTZE,  
8 Plaintiff,

9 vs.

10 JOSEPH LOMBARDO, *et al.*,  
11 Defendants.  
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Case No. 2:18-cv-00445-APG-GWF

**ORDER**

13 On March 9, 2018, Plaintiff Giovanni Kurtze filed his “First Amendment Bivens Action”  
14 (ECF No. 1-1). However, Plaintiff failed to pay the filing fee or file an application to proceed *in*  
15 *forma pauperis*.

16 Pursuant to 28 U.S.C. § 1914(a), a filing fee of \$350.00 plus an additional \$50  
17 administrative fee is required to commence a civil action in federal district court. The court may  
18 authorize the commencement of an action without prepayment of fees and costs or security if the  
19 plaintiff is granted *in forma pauperis* status by the Court. 28 U.S.C. § 1915(a)(1). To proceed *in*  
20 *forma pauperis*, a plaintiff must submit an *in forma pauperis* application to the Court, accompanied  
21 by an *In Forma Pauperis* Motion Financial Certificate and a copy of the plaintiff’s prison account  
22 statement showing the current balance of the account.

23 Should Plaintiff decide to apply for *in forma pauperis* status, he is notified that he will still  
24 be required to pay a total amount of \$400.00, which will be deducted from his prison account in  
25 installments. Pursuant to the Prison Litigation Reform Act of 1995, the District Court is required to  
26 assess a fee where a prisoner is granted leave to proceed *in forma pauperis* in a civil action and the  
27 prison officials are required to collect and remit the money to the Court. *See* 28 U.S.C. §  
28 1915(b)(1)-(2). If the plaintiff does not have \$400.00, the plaintiff will be required to pay either

1 20% of the average monthly balance or 20% of the average monthly deposits, whichever is greater.  
2 Furthermore, the plaintiff will be required to pay installments of 20% of the preceding month's  
3 deposits to the account in months that the account balance exceeds \$10.00. Accordingly,

4 **IT IS HEREBY ORDERED** that the Clerk of the Court shall send Plaintiff an Application  
5 to Proceed *In Forma Pauperis* (Prisoner), *In Forma Pauperis* Motion Financial Certificate and  
6 Instructions for the Application to Proceed *In Forma Pauperis*.

7 **IT IS FURTHER ORDERED** that Plaintiff shall have until **thirty (30) days** from the date  
8 of this order to either pay the appropriate filing fee of \$400.00, or submit a completed application  
9 and affidavit in support of his request to proceed *in forma pauperis*. Plaintiff's failure to comply  
10 with this order will result in the recommendation that this action be dismissed.

11 DATED this 13th day of March, 2018.

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14 GEORGE FOLEY, JR.  
United States Magistrate Judge  
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